



California Notice 2013-07

POST UNTIL July 31, 2013

NOTICE OF FINAL DECISION CONCERNING REFORMULATION REEVALUATION OF CERTAIN PESTICIDE PRODUCTS

The Director of the Department of Pesticide Regulation (DPR) files this notice with the Secretary of the Resources Agency for posting pursuant to Title 3, California Code of Regulations (CCR), Articles 8 and 12. CCR requires the Secretary of the Resources Agency and DPR to post this notice for 30 days for public inspection.

REEVALUATION

On May 31, 2005 (California Notice 2005-06), DPR commenced reevaluation of certain liquid formulation agricultural and commercial structural-use pesticide products on the basis that the release of volatile organic compounds (VOCs) into the atmosphere is of concern. This reevaluation involved 177 registrants and 748 pesticide products. A list of products included in the reevaluation is available on DPR's Web site at http://www.cdpr.ca.gov/docs/emon/vocs/vocproj/req_reformulation_lid.htm.

BASIS OF REEVALUATION

DPR placed certain liquid formulation agricultural and commercial structural-use pesticide products in reevaluation based on concern over the release of volatile organic compounds (VOCs) into the atmosphere from these products. Many pesticide active ingredients and inert ingredients are VOCs and react in the presence of sunlight to create ground-level ozone, which is known to be harmful to both human health and vegetation when present at high enough concentrations. The reevaluation focused on the reduction of VOC emissions from the identified liquid agricultural and commercial structural-use pesticides.

The federal Clean Air Act (CAA) requires states to submit state implementation plans (SIPs) for implementing, maintaining, and enforcing national ambient air quality standards (NAAQS) for air pollutants, such as ozone in each air quality control region of California. Any region that does not meet the NAAQS for a given pollutant is designated as a federal nonattainment area (NAA). In 1994, to address several California air quality control regions that did not meet NAAQS for ozone, the California Air Resources Board (ARB) submitted a SIP to the U.S. EPA that included a pesticide element (Pesticide SIP). In the Pesticide SIP, DPR committed to reducing VOC emissions from agricultural and commercial structural-use pesticides by specified amounts within specified time periods for five NAAs, including the San Joaquin Valley (SJV), during the May 1 to October 31 ozone season.



Under the reevaluation, DPR required registrants to choose one of the following three options to satisfy the requirement of the reevaluation: (1) submit a written commitment to reformulate the pesticide product to a VOC emission level of 20 percent or less; (2) submit a request for exemption if the product does not meet the established reevaluation criteria; or (3) provide a detailed explanation as to why the pesticide product cannot be reformulated.

In 2008, after regulations to reduce emissions from fumigants went into effect, pesticide fumigant emission regulations and control measures were considered to be adequate to meet and maintain SIP goals in most NAAs. DPR decided that if additional mitigation was required to reduce and maintain VOC emissions below SIP goals, it should concentrate on obtaining reductions from those non-fumigant products that provide the highest contribution of VOCs during the ozone season, particularly those used in the SJV where non-fumigant emissions account for approximately 75% of the emission inventory.

On February 11, 2010, DPR notified registrants with products included in this reevaluation (DPR's Web site at <http://www.cdpr.ca.gov/docs/emon/vocs/vocproj/voc_reev_feb10.pdf>), that, with the exception of those with products containing seven active ingredients that provide the highest contribution of VOCs during the ozone season in three NAAs (particularly in SJV), DPR found their responses to be acceptable. Registrants of products containing the seven active ingredients were required to conduct and submit emission potential data for their products to DPR, if such data had not previously been submitted, in order to attain a more accurate emission inventory and the ability to designate low-VOC products.

At an October 27, 2010, Pesticide Registration Evaluation Committee meeting, DPR presented information that emission inventory data indicate that DPR will consistently achieve the SIP reduction goals for four of the five NAAs. However, for the SJV NAA, DPR determined that further control measures on non-fumigants were needed in order to maintain the SIP goal for the following reasons: (a) pesticide VOC emission inventory data indicates DPR may not consistently meet its SIP goal in this NAA from year to year due to non-fumigant VOC emissions; (b) the current fumigant regulations are not adequate to assure emissions would remain below the SIP goal for this NAA, and; (c) concern that insufficient incentives exist for applicators to switch to lower non-fumigant VOC products. Based on scientific analysis and emission inventory data, DPR identified products containing the active ingredients abamectin, chlorpyrifos, gibberellins, and oxyfluorfen as the four highest non-fumigant VOC contributors in the SJV.

Additionally, DPR held numerous discussions and meetings with registrants, stakeholders, and the public to consider several regulatory options, and determined that use restrictions on the four identified non-fumigants represented the most suitable opportunity to reduce VOCs from non-fumigants in the SJV.

SUMMARY OF REEVALUATION

The reevaluation has become more focused over time, ultimately requiring TGA data from the registrants of products containing seven active ingredients. As of May 8, 2013, there are 255 products actively registered by 94 registrants that contain one of the seven active ingredients for which DPR has acceptable TGA data or information on file.

To address concerns regarding VOC emissions in the SJV from non-fumigant pesticides, DPR developed new regulations that will go into effect on November 1, 2013. A copy of the regulations can be found on DPR's Web site at <<http://www.cdpr.ca.gov/docs/legbills/rulepkgs/12-001/12-001.htm>>. The regulations will impact 166 products registered by 53 companies. The regulatory action will require non-fumigant use prohibitions on certain crops in the SJV ozone nonattainment area when using products with agricultural uses containing abamectin, chlorpyrifos, gibberellins, or oxyfluorfen during May 1 through October 31 if a VOC emission limit is triggered because emissions are close to exceeding the SIP goal. Also, when purchasing or using certain products containing these four active ingredients, the proposed regulation will require a written recommendation from a licensed pest control adviser, and pest control dealers must provide VOC information to the purchaser. No restrictions are placed on designated low-VOC products.

FINAL REEVALUATION DECISION

DPR has determined that no additional mitigation measures are necessary at this point and the reevaluation is concluded.

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Original signed by

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Date

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